



PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2005 (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)		Docket Number (Optional) 03226/049001; P5243																									
Application Number 09/716,545-Conf. #7006		Filed November 20, 2000																									
For THREAD SWITCH CIRCUIT DESIGN AND SIGNAL ENCODING FOR VERTICAL THREADING																											
Art Unit 2154		Examiner L. D. Donaghue																									
<p>This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.</p> <p>The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):</p> <table border="1"><thead><tr><th></th><th><u>Fee</u></th><th><u>Small Entity Fee</u></th><th></th></tr></thead><tbody><tr><td><input type="checkbox"/> One month (37 CFR 1.17(a)(1))</td><td>\$120</td><td>\$60</td><td>\$</td></tr><tr><td><input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2))</td><td>\$450</td><td>\$225</td><td>\$ 450.00</td></tr><tr><td><input type="checkbox"/> Three months (37 CFR 1.17(a)(3))</td><td>\$1020</td><td>\$510</td><td>\$</td></tr><tr><td><input type="checkbox"/> Four months (37 CFR 1.17(a)(4))</td><td>\$1590</td><td>\$795</td><td>\$</td></tr><tr><td><input type="checkbox"/> Five months (37 CFR 1.17(a)(5))</td><td>\$2160</td><td>\$1080</td><td>\$</td></tr></tbody></table> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>50-0591</u>. I have enclosed a duplicate copy of this sheet.</p> <p>I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96). <input checked="" type="checkbox"/> attorney or agent of record. Registration Number <u>51,048</u> <input type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p><u>Wasif H. Qureshi</u> Signature Typed or printed name</p> <p><u>August 10, 2005</u> Date <u>(713) 228-8600</u> Telephone Number</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p> <p><input type="checkbox"/> Total of <u>1</u> forms are submitted.</p>					<u>Fee</u>	<u>Small Entity Fee</u>		<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$	<input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$ 450.00	<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$	<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$	<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$
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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV710214716US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: August 10, 2005

Signature Brenda C. McFadden (Brenda C. McFadden)

Adjustment date 10/07/2005 SEELEKZ1
08/12/2005 EFLORES 00000049-09716545
01/FC:1252 -450.00 OP

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01/FC:1252 450.00 OP

08-11-05

DEP & REF



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Dated: August 10, 2005

Signature *Brenda C. McFadden*
(Brenda C. McFadden)

PATENT & TRADEMARK OFFICE
DIVISION

Docket No.: 03226/049001; P5243
2005 AUG 16 11:00 AM (PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Gajendra P. Singh et al.

Conf. No.: 7006

Application No.: 09/716,545

Art Unit: 2154

Filed: November 20, 2000

Examiner: L. D. Donaghue

For: **THREAD SWITCH CIRCUIT DESIGN AND
SIGNAL ENCODING FOR VERTICAL
THREADING**

REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTN: REFUND DEPARTMENT

Applicant requests that Deposit Account No. 50-0591 be credited in the amount of \$450.00. This amount pertains to the 2-month extension fee imposed by the USPTO.

In addition to the Response to the Office Action of July 6, 2004, a Petition to Claim Benefit under 35 U.S.C. §120 ("Applicant's first petition") was submitted.

Subsequently, on March 3, 2005, the USPTO dismissed Applicant's first petition as not conforming to the requirements of 37 CFR §1.78(a)(3). A final Office Action was issued on **March 11, 2005** in view of the USPTO dismissal of Applicant's first petition. In response, on May 9, 2005, Applicant submitted a Petition under 37 CFR §1.78(a)(3) ("Applicant's second petition") to address the purported deficiencies cited in the USPTO's dismissal of Applicant's first petition. Applicant notes that the USPTO initially recommended that Applicant file the second petition in its dismissal of Applicant's first petition.

Subsequently, on June 2, 2005, the USPTO dismissed Applicant's second petition as being moot. An Advisory Action was issued on June 8, 2005 in view of the USPTO dismissal of

Applicant's second petition. Specifically, the USPTO stated that because the present application was filed on November 20, 2000, a petition under 37 CFR §1.78(a)(3) is inapplicable as this section only applies to application filed on or after November 29, 2000. Applicant respectfully notes again that the USPTO initially recommended that Applicant file the second petition in its dismissal of Applicant's first petition.

For applications filed before November 29, 2000, all that is required under 37 CFR §1.78 for Applicant to claim benefit of an earlier-filed application is to amend the later-filed application to reference the earlier-filed application. *See* CFR §1.78(a)(2)(iii). In regard to the present application, which was filed on November 20, 2000, such action was properly taken by Applicant in the Response to the Office Action of July 6, 2004. Thus, prior to any action following the filing of the Response to the Office Actions of July 6, 2004 (*e.g.*, the issued Final Office Action and Advisory Actions), Applicant had properly established August 14, 2000 as the earliest effective filing date of the present invention, rendering the cited prior art as invalid.

In telephone conversations with Applicant, both Examiner Donaghue and Ms. Frances Hicks (USPTO Petitions Branch) agreed with Applicant that the USPTO erred in its handling of Applicant's first petition. These telephone conversations extended past July 11, 2005, prompting the need to file the \$450.00 2-month extension fee with the Response to the Advisory Action dated June 8, 2005. Applicant has incurred many unnecessary expenses due to the mishandling of Applicant's first petition. While Applicant has no choice but to absorb these expenses, Applicant hereby requests that a refund in the amount of \$450.00 for the extra time required to correct the USPTO's error be issued.

Dated: August 10, 2005

Respectfully submitted,

By 

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Registration No.: 51,048

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